GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS – RWS&S. Department– Allegations of irregularities in CPWS Scheme to Rajubangurupalem and 13 other habitations and CPWS Scheme to Pedaganjam and 9 other habitations in Prakasam District - Charges framed against Sri Sk. Baba Latheef, Deputy Executive Engineer, RWS&S Sub-Division, Ongole and Executive Engineer, RWS&S. Division, Ongole (FAC) – Charge proved in the inquiry conducted by Commissioner of Inquiries - Representation of C.O. - Imposition of a penalty of reduction of pay to two lower stages in the time scale permanently besides recovery of seniorage charges from the C.O., if any - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.RT.No. 424 **Dated: 29-07-2021.**

Read the following:

1. G.O.Rt.No.454, PR&RD (Vig. VI) Department, Dt: 04.07.2017.
2. G.O.Rt.NO. 460, PR&RD (Vig. VI) Department, Dt: 04.07.2017.
3. From Sk. Baba Latheef, Dy.EE, RWS&S SD, Ongole and E.E,RWS&S, Ongole Division (FAC), Written Statement of Defence, dt: 24.02.2018.
4. G.O.Rt.NO. 1093, PR&RD (Vig. VI) Department, Dt: 17.09.2018.
5. From Sri P.K. Sarangi, IFS, C.O.I, G.A. Dept, & Inquiry Authority, D.O. Letter No. 120/COI-PKS./2018, dt: 27.02.2019.
6. Govt. Memo No. 12192/Vig. VI/2016, PR&RD (Vig. VI) Dept., Dt: 12.07.2019.
7. From Sri Shaik Baba Latheef, the then E.E, RWS&S, Ongole, representation dt: 26.07.2019.
8. Govt. Memo No. 12192/Vig. VI/2016, PR&RD (Vig. VI) Dept., Dt:10.03.2021.
9. From the ENC, RWS&S, Letter NO. Vig./RWS&S/Arising/2018, dt: 24.05.2021 along with representation of Sri Sk. Baba Latheef, Dy.EE, RWS&S, dt: 26.4.2021.
10. Govt. Letter No. 12192/Vig. VI/2016, PR&RD (Vig. VI) Department, Dated: 2707.2021.
11. From the Secretary, A.P. Public Service Commission, A.P, Vijayawada, Letter No. 392/DC&C/2021, dated: 28.07.2021.

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ORDER :

On the allegation in execution of CPWS Scheme to Rajubangarupalem and 13 other habitations and also in Pedaganjam and 9 other habitations in Prakasam District, Government have initiated

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common disciplinary proceedings under Rule 24 of APCS (CC&A) Rules, 1991 against eight (8) RWS&S personnel of Prakasam District vide reference 1st read above duly framing charges against them under Rule 20 of above said Rules. Accordingly, among others, Government, vide reference 2nd read above, have framed following article of charges against Sri Sk. Baba Latheef, Deputy Executive Engineer, RWS&S, Ongole and Executive Engineer, RWS&S Division, Ongole (FAC), with a direction to submit his Written Statement of Defence :

Charge – 1:

That Sri Sk. Baba Latheef, Executive Engineer (FAC), RWS&S, Ongole during his tenure, has not followed head to tail approach ad grounded the works CPWS Scheme to Rajubangarupalem and 13 other habitations in Prakasam District and CPWS Scheme to Pedaganjam and 9 other habitations in Prakasam District sanctioned under 13th Finance Commission Grant without obtaining the required permission and check measured page 05 of M.B.55/A/15 on 12.04.2016 for consolidation of key trench without verifying the levels of key trench cross section and released payment for Rs.2,91,29,986/- in first and part bill against the ECV:4,48,94,743/- which is total gross negligence towards discharging his duties and causing financial loss to the Government.

Charge 2:

That Sk. Baba Latheef, Executive Engineer (FAC), RWS&S, Ongole while releasing the first and part bills the seniorage charges for the earth work soils which amounts to be Rs.17,35,186/- as calculated has not been recovered which is total gross negligence towards discharging his duties and causing financial loss to the Government.

2. In the reference 3rd read above, the Charged Officer Sri Sk. Baba Latheef, Deputy Executive Engineer, RWS&S Sub-Division, Ongole and Executive Engineer (FAC), RWS &S Division, Ongole has submitted his written statement of defence. Government have not satisfied with the Written Statements Defence submitted by the above Charged Officer and decided to conduct regular inquiry into the matter against him including against seven (7) other co-charged officers involved in the case. Accordingly, in the reference 4th read above, Government have entrusted the case to Commissioner of Inquires and appointed Sri P.K. Sarangi, IFS, Member, Commissioner of Inquiries as the Inquiring Authority to conduct inquiry into the charges framed against all the eight (8) Charged Officers.

3. In the reference 5th read above, Sri P.K. Sarangi, IFS, Member, C.O.I, G.A. Department and Inquiry Authority has submitted inquiry report. In his findings, the Inquiring Authority, among others, has held that the Charge No.1 framed against Sri Sk. Baba Latheef, Dy.EE, RWS&S and E.E, RWS &S (FAC) is not proved, but Charge-2 is held proved.

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4. In the reference 6th read above Government, among others, have communicated copy of the inquiry report to the Charged Officer Sri Sk. Baba Latheef, Dy.EE. RWS&S and E.E, RWS&S (FAC) for his representation, if any, on the findings of the Inquiry Authority. The Charged Officer has submitted his representation dt: 26.07.2019 and requested to drop further action against him.

5. The same has been examined with reference to findings of the Inquiring Authority and decided to proceed further. Accordingly, Government have taken a provisional decision to impose a punishment of stoppage of two (2) Annual Grade Increments with cumulative effect against the charged officer besides recovery of Rs.17,35,186/- towards seniorage charges from him as per rules in vogue and if the same is not recovered from the Contractors and requested the Engineer-in-Chief, RWS&S, AP, Vijayawada to furnish service particulars of above charged officer for taking further action in the matter. In turn, the ENC, RWS&S, AP, Vijayawada vide reference 9th read above, has furnished service particulars of above Charged Officer, duly stating that the Charged Officer is going to retire from service on attaining the age of superannuation on 31.07.2021. Along with service particulars, he has also furnished a copy of further representation dt: 26.04.2021 of the charged officer Sri Sk. Baba Latheef, Dy.EE, RWS&S, Ongole to Government for examination in the matter.

6. In his representation dt:26.04.2021, the charged officer Sri Sk. Baba Latheef, Deputy Executive Engineer, RWS&S Sub-Division, among others, has stated that the Inquiring Authority has held that Charge No.2 is proved which is about Non-recovery of seniorage charges from CC 1st and Part Bill. During inquiry, he had represented to C.O.I that the seniorage charges will be deducted for the CC 2 nd and part bill. But due to non release of 13th Finance Grant, the recovery of said seniorage charges was delayed. Subsequently the said recovery towards seniorage charges was made in CC 2 nd and Final bill. He has enclosed the proof of having made the said recovery of Rs.16,04,828.00 towards seniorage charges from the said bill through CFMS bill status and requested the Government to drop further action against him.

7. Government have examined the matter and observe that the contention of the Charged Officer to drop further action against him is devoid of merits since he has not been absolved from the charge by the Inquiry Authority. As per the Charge No.2 proved, the charged officer is responsible for Rs.17,35,186/- towards seniorage charges. In his present representation, the charged officer has enclosed the proof of having made the recovery of Rs.16,04,828.00 towards seniorage charges from the said bill through CFMS bill status. With regard to remaining amount, the representation of the Charged Officer is silent and the Charged Officer is going to retire from service on attaining the age of superannuation on 31.07.2021.

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8. In view of the above, Government have taken a decision to impose a penalty of reduction of pay to two lower stages in the time scale permanently as prescribed under Rule 9(vii)(a) of A.P.C.S(CCA)Rules, 1991 besides recovery remaining seniorage charges from him, if any in case the same is not recovered from the Contractors. Accordingly, the A.P. Public Service Commission have been addressed vide reference 10th read above for their concurrence on the proposed penalty besides recovery against the Charged Officer. In the reference 11th read above, the Secretary, A.P. Public Service Commission has communicated the concurrence of the Commission to impose the above penalty besides recovery on the charged officer and advised to take action accordingly.

9. Accordingly, Government after careful examination of the matter, hereby order to impose a penalty of reduction of pay to two lower stages in the time scale permanently as prescribed under Rule 9(vii)(a) of A.P.C.S(CCA)Rules, 1991 against Sri Sk. Baba Latheef, Deputy Executive Engineer, RWS&S Sub-Division, Ongole, besides recovery of remaining seniorage charges from him if any at Bank rate + 2% as per Article 300 of A.P. Financial Code, Volume-I, in lumpsum, and in the case the same is not recovered from the Contractors, in the matter.

10. The Engineer-in-Chief, RWS&S, AP, Vijayawada is directed to take necessary action and to recover the above amount accordingly from the charged officer in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sk. Baba Latheef, Deputy Executive Engineer, RWS&S Sub-Division, Ongole
through Engineer in Chief, RWS&S, Andhra Pradesh, Vijayawada.
The Engineer in Chief, RWS&S, Andhra Pradesh, Vijayawada.
(with a request to serve the copy to the individual and communicated the dated acknowledgment copy to Govt.).

Copy to:
The Secretary to VC, A.P. Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission, A.P, Vijayawada.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER